

SUMMARY

The above amendment and following remarks are responsive to the points raised in the Final Office Action dated March 15, 2006. Claims 1-20 were originally filed with claims 1-13 and 19-20 being withdrawn from consideration under an election requirement by the Examiner. Upon entry of this Amendment, claims 1-13 and 19-20 will have been canceled, claims 14 and 22-27 will have been amended, and claims 14-18 and 21-27 will remain pending in this application. Entry and consideration of this amendment are respectfully requested. Applicants reserve the right to pursue the subject matter for the canceled, non-elected claims in subsequently filed continuation or divisional applications.

REMARKS

In the Final Office Action dated March 15, 2006, the Examiner rejected claims 14-18 and 21-27 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Although Applicants traverse this rejection, claims 14 and 22-27 have been amended to define more clearly the invention.

As amended, the pending claims define over the art cited in the August 12, 2005 Office Action. Specifically, the present claims recite a method of moving a stand mixer that includes a base and a head and at least one wheel positioned at the rear lower portion of the base. A handle is disposed on the base, the head, or on a removably detachable bowl. The method includes attaching the bowl to the base at the attachment means and lifting the handle upwardly in a direction toward the front portion of the head to engage the at least one wheel. As previously discussed, *Bishop* fails to disclose this functionality.

For example, *Bishop* discloses a manually operated portable mixing device with handles on the spinning drum:

The drum is provided with four hand-grip members 23 at 90° intervals circumferentially of the drum shaped to interfit with the ribs 22, and being detachably mounted to the drum by means of bolts 24. Cross head portions of the hand-grip members 23 are suitably provided with rotatable sleeves 25 to facilitate comfortable gripping in the manual rotation of the drum when mixing contents. It will be noted that the drum as illustrated is provided with 8 ribs 22. This number can be reduced to 4 in a smaller adaptation of the invention or, if desired, increased to 12 in a larger adaptation of the invention. (4/3-14)¹

Further, *Bishop* defines a method for how to move his mixing device:

When it is desired to move the assemblage about the operator will grasp two of the drum handgrips 25 and tilt the assemblage rearwardly to be supported by the wheels 39. This moving configuration can be visualized by rotating FIG. 2 so that the dot-dash line 41, representing the support surface when moving the device, is in the horizontal position. In this configuration it will be seen that the center of gravity of the drum will be directly above the wheels 39.

When drum contents have been suitably mixed by hand-rotation of the drum, the dumping of contents is easily accomplished by forwardly tilting the assemblage so that the tilt portions 14 rest on the support surface 42 as shown in the dot-dash lines in FIG. 2. In this configuration it will be apparent that drum contents will be freely discharged, and that substantially complete discharge can be accomplished by manual rotation of the drum while in this configuration.

As will be seen in the drawing the hand-grips 25 are angled slightly with respect to the drum axis to be convergent in the direction of the open end of the drum to thereby dispose hand-grip portions 25 substantially parallel to the ground or other support surface when in the upwardly extended position as shown in FIG. 2. This inclined orientation of the hand-grips 25 provides comfort to the operator during mixing operation and at the same time disposes adjacent hand-grips 25 in the slightly divergent relation, comparable to that of wheel barrow handles with respect to an operator who has tilted the assemblage to move it about on the wheels 39. The angular orientation of the hand-grips 25 is also practical and comfortable for the operator, when the assemblage is tilted forward on the tilt portions 14 and the drum is being rotated or oscillated to aid in discharge of contents therefrom. (4/62-5/28).

Thus, the *Bishop* mixing device requires an operator to grasp two hand grips and ***tilt the assemblage rearwardly*** to engage the wheels. This is contrary to the present claims that provide a method of moving a stand mixer by ***lifting upwardly*** a handle positioned at a front surface of the stand mixer in a direction toward the upper front portion to engage the wheel at the rear base

¹ References to columns and lines of the specification are indicated "(column/line)".

portion. Accordingly, since the present claims include lifting upward of the handle to engage the wheel, the present claims define over the art cited in the August 12, 2005 Office Action, for example, *Bishop* requires rearward, or downward, movement of the handles to engage the wheel.

Claims 15-18 and 21 are allowable as dependent upon independent claim 14 and inheriting the allowable characteristics thereof. Claims 24-27 are allowable as dependent respectively upon independent claims 22 and 23 and inheriting the allowable characteristics thereof.

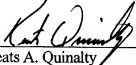
The Examiner is requested to contact the below listed attorney with any comment or question regarding this Amendment Under 37 C.F.R. § 1.116.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees that may be required for the timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted

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Date



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